Some cases illustrative of the problem of expatriation in Russo-American relations 1864-1897

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SOME CASES ILLUSTRATIVE OF THE
PROBLEM OF EXPATRIATION
IN
RUSSO-AMERICAN RELATIONS
1864-1897

by

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W. S. W.
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INTRODUCTORY NOTE

America's relations with Russia, despite their acknowledged importance today, have been the subject of only two major historical studies prior to the twentieth century; one by J. C. Hildt of the period prior to 1815, and E. F. Thomas's work extending from 1815 to 1867.

This present study examines one aspect of Russo-American relations during the last third of the nineteenth century and seeks to discover, by examining certain cases bearing upon that aspect, the principles that guided each nation's dealings with the other.

Relations between the two countries had been cordial for many years prior to the period covered by this investigation. Toward the close of the American Civil War, however, the first of a number of similar cases, in which differences between Russia and the United States showed themselves to be fundamental, involved the diplomatic staffs in a growing volume of correspondence that proved to be futile and productive only of clarification of differences that remained unsettled.

A review of cases in dispute involving
the right of expatriation is made here to discover
the principles upon which each government's policy
was established; to ascertain the methods used by
each in asserting those principles and the extent
to which each was willing to go in defending them;
and, finally, to learn the results of the tangle of
correspondence in which the two were involved.

The study made here is, I believe, a
necessary step in the direction of understanding
Russo-American relations to the close of the nine-
teenth century. Further, it may give some insight
into the beginning of a coolness between the two
nations that was to grow as America's stake in the
Pacific increased. And, finally, the importance of
the principles of spatial freedom to the American
idea of government may be seen here as it was worked
out and developed in cooperation between the execu-
tive and legislative branches of the government of the
United States.
Chapter I
The Problem of Expatriation to 1889

Article I, Section 8, Paragraph 4 of the constitution of the United States reads: "The Congress shall have power to establish a uniform rule of naturalization." From time to time since the ratification of the constitution Congress has striven toward a uniform rule. The first Congress enacted a statute on March 26, 1790, which is of importance to the present study because the Act1 establishing a rule for the acquisition of citizenship in the United States by those of foreign birth, was based upon the principle of the right of expatriation as inherent in the individual.

In this enactment the United States made one of its most important departures from the accepted doctrine of European legal codes2 that allegiance

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1 1 Stat. 103.

2 Blackstone says: "It is a principle of universal law that the natural-born subject of one Power cannot by any act of his own (no, not by swearing allegiance to another) put off or discharge his natural allegiance to the former; for this natural allegiance was intrinsic....and cannot be diverted without the concurrent act of that Prince to whom it was first due." (Quoted in an article by John Westlake and H. H. Leigh Bellot on "Allegiance", Encyclopedia Britannica, Chicago, 1946, I, p. 645.)
was indelible—nemo potest exuere patriam. United States insistence on the right of expatriation had been one of the causes of the war of 1812 against England.\(^3\)

Finally, in 1868, Congress affirmed the right of expatriation, saying that "The right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty and the pursuit of happiness," and one of the "fundamental principles of (this) government."\(^4\)

The strain placed on Russo-American relations during the latter part of the nineteenth century was interwoven with the Russian policy of that day of placing a variety of restrictions on the spatial freedom of the Hebrew ethnic group that was continually enlarging as the Russian Empire expanded its territories. Since most of the recorded cases involving the problem of expatriation were concerned with Jews, our ministers, and later ambassadors, in St. Petersburg were sometimes tempted to


\(^4\) 15 Stat. 223.
plead the cases of United States nationals' rights on a basis of sympathy rather than on treaty rights. On one occasion Secretary of State Evarts had to remind the American minister in St. Petersburg, John W. Foster, that the United States was justified in its demands upon the Russian government not because of its pity for the oppressed, but on the basis of international treaty obligations entered into by both nations.5

As will be seen in the following pages, failure by the two governments to agree on interpretation contributed to a worsening of the relations between the two countries that for so many years had been cordial. However, as President Grant's Fifth Annual Message, delivered to Congress on December 1, 1873, implied, Russia was not the only nation whose legal code was objectionable in connection with the process of expatriation.

In his message he told Congress:6

The United States, who led the way in the overthrow of the feudal doctrine of perpetual allegiance, are among the last to indicate how their own citizens may elect another nationality.... We have already in our treaties assented to the principles which would need to be embodied in laws intended to accomplish such results. We have agreed that citizens of the United States may cease to be citizens and may voluntarily render allegiance to other powers. We have agreed that residence in a foreign land, without intent to return, shall of itself work expatriation. We have agreed in some instances upon the length of time necessary for such continued residence to work a presumption of such intent. I invite Congress now to mark out and define when and how expatriation can be accomplished; to regulate by law the condition of American women marrying foreigners; to fix the status of children born in a foreign country of American parents residing more or less permanently abroad, and to make rules for determining such other kindred points as may seem best to Congress.

Relations between the United States and Russia had been friendly for some time.7 Such acts as the convention of 1854, concerning the rights of

6 James D. Richardson, Messages and Papers of the Presidents, (New York, 1904), X, p. 4194.

neutrals at sea,\textsuperscript{8} American support of Russia during the Crimean War,\textsuperscript{9} Russia's firm support of the federal government during the Civil War,\textsuperscript{10} and the missions of Admirals Lessovsky and Popov, in 1863,\textsuperscript{11} although ostensibly directed against England, are sufficient proofs of the mutual friendliness of the two nations. American press and public opinion did not hesitate to compare Alexander II, the liberator of the serfs, to Lincoln, the emancipator of the slaves. When Karakozov made the first attempt to assassinate the Russian emperor in 1866, Congress unanimously adopted a resolution expressing gratification upon the occasion of the Emperor's providential escape from death.\textsuperscript{12}


\textsuperscript{10} Adamov, \textit{loc. cit.}, p. 595.


\textsuperscript{12} \textit{Congressional Globe}, 1866, pp. 2384 and 2546.
Throughout the eastern crisis and the Turko-Russian War, the government of the United States maintained a friendly attitude toward Russia. This was particularly evidenced by the reconstruction and equipment of three American-built vessels and the construction of a fourth by Russia at Cramp's Shipyards in Philadelphia. Russia intended for the ships to be used in privateering operations against Great Britain.13

The case of Bernard Bernstein,14 a native of Isbica, Russian Poland, appears to be the first case involving expatriation in Russo-American relations. Bernstein, who was a naturalized American citizen, was arrested in October, 1864, while visiting his parents in Isbica. He communicated with the American legation in St. Petersburg, and with the Department of State in Washington. Though Bernstein was soon released, he claimed to have lost a large amount of money as a direct result of his imprisonment.


14 House Executive Document 179, 42nd Congress, 3rd Session.
Several noted lawyers of the time took up his case with Secretary of State William H. Seward, but the latter did not press it with the Russian government. The fact that Bernstein was obligated for military service to Russia when he left in 1845 was a factor against him.15

Most of the cases of expatriation involved the right of United States citizens of Jewish origin to live in St. Petersburg and other cities of the empire where Jews were not permitted to establish residence. From the beginning, however, the United States based all its claims on "treaty obligations", a phrase that recurs again and again in the documents of the period. The Russian government considered all the difficulties in the light of whether the individual was Jewish.

Jews had generally been excluded from Russia from the earliest times, but as the empire expanded many Jews became incorporated into the enlarged state.

15 At that time Poland was in an unsettled condition. The American Minister, Cassius M. Clay, recommended to Secretary Seward that all naturalized American citizens born in Russia should stay away, as several revolutionists in that country used American passports to escape detection. This practice, too, brought Bernstein under the suspicion of being engaged in revolutionary activities against the Russian state. Cf. Dispatches, Russia, Vol. 20, No. 66, December 17, 1864, The National Archives, Washington, quoted in House Executive Document 179, 42nd Congress, 3rd Session, p. 3.
Modification of the general prohibition became necessary, especially after the conquest of Poland and the Crimea, where large numbers were already to be found. The modifications, however, limited areas of residence only to areas newly incorporated and did not drop the ban on residence in the older districts of Russia.16

A former Russian citizen naturalized in the United States did not consider such limitations on residence applicable to himself even though he was a Jew. This was the line of reasoning used by a certain Marx Wilczynski when, in the spring of 1880, he appealed for relief to the United States Department of State from a Russian order for him to quit the city of St. Petersburg because of his being a Jew.

Wickham Hoffman, the United States minister ad interim at the time, took up the case and notified the Secretary of State.17 Subsequent negotiations with the Russian government resulted in Wilczynski's being permitted "to return to St. Petersburg and remain for the limit of time granted to all foreigners upon their national passports."18

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17 Hoffmann to Evarts, May 7, 1880, For. Rel., 1880, p. 996.
18 Foster to Evarts, Dec. 31, 1881, For. Rel., 1881, p. 1004.
This was a diplomatic triumph for the United States, in sharp contrast to failure in later such cases.

Although nothing more was heard of the Wilczynski case, President James A. Garfield's new Secretary of State foresaw the possibility of future trouble when, during the summer of 1881, he had Minister Foster send a resume of the Russian laws applicable to foreign Jews. In this highly enlightening resume many Russian laws, otherwise unavailable in English at the time, were reviewed. Foster listed the following areas as being the sole places where Israelites might dwell in the empire: the provinces of Bessarabia, Vilno, Vitebsk, Volhynia, Grodno, Ekaterinoslav, Taurida, Kershaw, Chernigov, Kovno, Minsk, Mohilev, Poltava, Podoba, and Kiev. In the western frontier districts, they were kept at a minimum distance of fifty versts from the frontier. Exceptions were always made in the case of financially responsible Hebrews who were engaged in industrial activity con-

19 Minister Foster reported to Secretary of State William M. Evarts that the United States Legation in Berlin had informed him that Wilczynski had "probably" returned to Russia from Berlin, where he had gone after being ordered out of St. Petersburg. Ibid., p. 1004.

20 Foster To Blaine, July 14, 1881, For. Rel., 1881, p. 1022.
sidered useful to the empire. Another exception was the practice of permitting Jewish soldiers to take up permanent residence in the locality where they received their discharge from the Russian armies, which in some cases found such Jews hundreds of miles from their old homeland areas. Many times Russian legations would issue permits to foreign Jews allowing them to reside in prohibited areas. Exceptions were also made to members of learned professions. In his note of December 31, 1881, Foster observed: The latitude of construction placed upon these exceptions depends very much upon the will of the local authorities, as also the strictness with which the prohibitory laws are enforced; so that in all the cities of Russia the number of Jewish residents will be found more or less in excess of the police registry and greater than the strict interpretation of the law authorizes. For instance, persons who have given the subject close attention... estimate the number of Jewish residents in St. Petersburg at 30,000, while it is stated the number registered by the police authorities is 1,500.... While the government does not recognize their legal existence, nine synagogues in this city are known to the authorities, and that there are other private places of worship; and that, while only one Hebrew school is registered by the police, there are between three and four thousand children in unauthorized Jewish schools of this capital.

21 Ibid., p. 1004.

22 Ibid., p. 1004. In the face of so many exceptions, open violations and other apparent contradictions, it is little wonder that Minister Hoffman wrote Secretary of State Evarts in 1879, that: "The laws of Russia bristle with so many exceptions that the exceptions frequently appear to be the rule." (Hoffman to Evarts, For. Rel., 1879, p. 921.)
Generally speaking, the lot of the Jews in Russia had undergone continuing improvement from the time of Nicholas I when, from 1840 to 1845, attempts were made to merge the Jewish with the non-Jewish populations. As early as 1835 they were permitted to make use of the ordinary schools, and in 1859 Jews were admitted to the Guild of Merchants. A commission favorably reported on a plan to increase the rights of Jews in 1879, but the commission was dissolved when events in that year brought an abrupt change. Russian police had discovered a series of plots against the Tsar and several attempts had been made on the lives of some provincial governors. Alexander II narrowly missed being assassinated in St. Petersburg and when several of the plotters proved to be Jewish Alexander developed an extreme dislike for the race as a whole. As a result of the disorders Jews were ordered cleared from the capital.

Among those affected by this regulation was Henry Pinkos, an American citizen who had lived in St. Petersburg several months operating a business. Through the efforts of the American consul Edwards and Wickham Hoffman, charge d'affaires of the American Legation, he

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was granted permission to stay on in St. Petersburg. Correspondence relating to the Pinkos case is of importance because of the unequivocal stand taken by the Department of State in refusing to accept the Russian view that religion was a factor in determining the rights of an American citizen in a foreign country. Writing to Minister Foster on September 4, 1880, Secretary of State Evarts stated:

Mr. Hoffman's inference from the facts connected with Mr. Pinkos' departure from Russia is that Mr. Pinkos had made up his mind that Russia "was no place for one of his creed."

If the meaning of this is that a citizen of the United States has been broken up in his business at St. Petersburg, simply for the reason that he is a Jew rather than a believer in any other creed, then it is certainly time for this government to express itself as set forth in the instruction above mentioned. It should be made clear to the government of Russia that in the view of this government the religion professed by one of its citizens has no relation whatever to that citizen's right to the protection of the United States, and that in the eyes of this government an injury officially dealt to Mr. Pinkos at St. Petersburg on the sole ground that he

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Evarts to Foster, For. Rel., 1880, p. 880.
is a Jew, presents the same aspect that an injury officially done to a citizen of Russia in New York for the reason that he attends any particular church there would to the view of His Majesty's Government.

It is evident that the losses incurred by the abandonment of his business in St. Petersburg will afford Mr. Finkos ground for reclamation, if no other cause can be shown for the official breaking up of his said business than the religious views he entertained.

John W. Foster, who was the newly appointed minister at St. Petersburg, then sent a note to Baron Jomini, Acting Minister of Foreign Affairs, in which he indicated that the United States could not remain passive when one of its citizens was discriminated against because he professed a particular religion:

The Secretary of State instructs me to state to your Excellency that in the presence of the fact that an American citizen has been ordered to leave Russia on no other ground than that he is the professor of a particular creed or the holder of certain religious views, it becomes the duty of the Government of the United States, which impartially seeks to protect all of its citizens of whatever origin or faith, solemnly, but with all respect to the Government of His Imperial Majesty, to protest. As this order of expulsion is understood to apply to all foreign Jews, in certain cities or localities, at least, of Russia, it is, of

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25 Foster to Jomini, September 2/14, 1881, For. Rel., 1880, p. 651.
course, apparent that the same is not directed specially against the government of which Mr. Pinkos is a citizen, and, indeed, the long standing amity which has united the interests of Russia with those of the Government of the United States would of itself forbid a remote supposition that such might be the case. Notwithstanding this aspect of the matter the United States could not fail to look upon the expulsion of one of its citizens from Russia, on the simple ground of his religious ideas or convictions, except as a grievance, akin to that which Russia would doubtless find in the expulsion of one of her own subjects from the United States, on the ground of his attachment to the faith of his fathers.

* * * *

As, then, it does not appear that any criminal or improper conduct has been established against Mr. Pinkos, the Secretary confidently submits to his Imperial Majesty's Government, whether in view of the fact that Mr. Pinkos was interrupted in his peaceful occupation and expelled from Russia on the sole ground that his religious views are of one kind rather than another, he is not justly entitled to make reclamation for the damage and loss to which he has been subjected.

Despite the strong position taken by the American State Department, Pinkos was never restored to his financial position in St. Petersburg, although from this time until 1911 the Department of State actively sought to keep abreast of all matters relating to Jewish persecution within the Russian Empire.

The Wilczynski and Pinkos cases, though
Insignificant in themselves, were the first of a number of cases in which the American State Department interested itself. It was responsible in some measure for a proposal laid before Congress by President Chester A. Arthur in his first Message:26

It is desirable that our cordial relations with Russia should be strengthened by proper engagements assuring to peaceable Americans who visit the Empire the consideration which is due to them as citizens of a friendly state. This is especially needful with respect to American Israelites, whose classification with the native Hebrews has evoked energetic remonstrances from this government.

In 1881 Poland and the western provinces were declared to be the place of Jewish settlement, and in the following seven years the Russian government intensified its policy with the addition of many harsh measures. This move by the Russian government and attendant domestic reaction on the part of Russian anti-Semites led not only to the Balta incident27 but to

26 December 6, 1881, Richardson, Messages and Papers of the Presidents, VIII, (1904), p. 39.

27 On the second day of the Russian Easter, March 29, 1882, a large pogrom was conducted that was unmatched for its terror until the Kishnev outbreak of 1903. Cf. Dubnow, History of the Jews in Russia and Poland, (Phila., 1916), II, pp. 299ff.
other acts of violence that brought down a thunder
of American editorial condemnation on the Russians.
One of the more popular journals of the time
commented:26

The inhuman and almost incredible
outrages on the Jews in Russia have
drawn forth a world-wide sympathy,
and a protest almost unprecedented
in its swiftness. . . . Men have been
murdered, women outraged, children
dashed to pieces or burned alive;
whole streets occupied by Hebrews
razed to the ground and desolated by
fire; thousands of families reduced
to beggary, and many banished from
their homes. One hundred and sixty
towns and villages feel this scourge
of persecution.

The Russian Penal Code (Art. 325, Chapter 7)
specifically provided for the arrest and exile to
Siberia of any Russian subject who took up citizenship
in another country without Imperial Permission and
then returned to Russia without authorization by the
Russian government. On the other hand, by a law of
July 27, 1868,29 the United States declared the right
of expatriation to be a "natural and inherent right
of all people," and that it is the duty of all officers

26 The Century Illustrated Monthly Magazine, April,
1882, Vol. 23, No. 6, p. 949
of the United States to see to it that this "fundamental principle of the Republic" is in no way impaired.

These two laws form the basis of aggravation in the case of Adolph Lipszyc, the former causing his arrest and the latter leading to a pleading of his case on the part of the American minister in St. Petersburg. Lipszyc was imprisoned at Wlocklawek, Russian Poland, on a charge of "having become naturalized in the United States without permission of the Russian Imperial Government, of which he was a native born subject." He had returned to Russia to settle the estate of his father, after which he intended to return to the United States. American Minister Lothrop took up the case when he protested.

Lothrop (American minister to St. Petersburg) to Bayard (Secretary of State), January 18, 1887, Fox. Rel., 1887, p. 943.

George Van Ness Lothrop (1817-1897) had been made minister to Russia following a meeting with President Cleveland at Buffalo, New York, in 1884, where the latter was said to have "been struck by his fine appearance and apparent ability." While in residence at St. Petersburg one of Lothrop's daughters married into the Russian nobility. (Cf. Dictionary of American Biography, (New York, 1928), XI, p. 424; also, Mrs. A. (S.) Lothrop, The Court of Alexander III, (Phila., 1910).
on Lipszyc's behalf in a note to the Russian Minister of Foreign Affairs, Giers. 32

Implications of the issue being of a broad nature, Lothrop communicated the known facts of the case to Secretary of State Bayard. 33 In his answer of February 18, 1887, Bayard expounded at great length on the basic issues involved. At the outset, he made it clear that the Department "is far from questioning the right of His Imperial Majesty to refuse to permit his subjects to emigrate, that such a right is incident to territorial sovereignty, but that it can only be exercised within the territory of Russia." Bayard granted that a returning expatriate might be prosecuted for offenses committed by him before emigration, but affirmed that such offenses did not include expatriation when followed by the acquisition of United States citizenship. 34

32 Lothrop to Bayard, January 18, 1887, For. Rel., 1887, p. 943.

33 Ibid., p. 943.

34 Bayard to Lothrop, For. Rel., 1887, p. 946.
Bayard's insistence that expatriation may not be considered a crime when an American citizen of Russian birth returned to Russia is fully covered by Articles I and X of the treaty of 1832. Article I of the treaty provided that citizens of either nation "shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside." Article X provided that "the citizens and subjects of each of the high contracting parties shall have power to dispose of their personal goods within the jurisdiction of the other."

In concluding his note to Lothrop, Bayard summed up the contentions of the Department, saying: As a citizen of the United States he visits Russia; and although he may be liable, when in Russia, for offenses committed by him before his emigration and may be expelled from Russia on reasonable grounds, he cannot be tried for an emigration, which, when followed by naturalization

\[35\text{ For full text of treaty, cf. The Statutes at Large of the United States of America, 8:444.}\]

\[36\text{ loc. cit.}\]
in the United States, Russia herself recognizes as conferring citizenship of the United States with the right of disposition in Russia of property there situated. And when you invite from this Imperial Majesty's Government the withdrawal of penal action based exclusively on that emigration you ask for an act which is at variance with the policy of that Government, but for one that is simply in accordance with its treaty stipulations.

The impasse was reached in the affair when, in his reply to Lothrop's protest, Giers pointedly stated: "A person inscribed on the register of population as a Russian subject, unless especially authorized to emigrate, is and always remains a Russian subject, whether he wishes or not." On May 6, 1887, Lothrop replied: "The United States insists that it is neither just nor practical, especially under the conditions of modern society, to assume that native allegiance is a perpetual bond which cannot be removed. . . Citizenship is a personal condition and attends an

37 Bayard was attempting to read into the treaty of 1832 something that was not there. Cf. Chapter IV.

38 Giers to Lothrop, April 11/23, 1897, For. Rel., 1887, p. 959.
individual wherever he goes."\textsuperscript{39}

Undeterred by American representations, Russian authorities found Lipszyc guilty and ordered him to be sent from the Empire with consequent forfeiture of his interest in his father's estate.\textsuperscript{40}

In the end, Lipszyc was able to return to the United States, but the Russian government had not departed from its original stand. The fact that he was banished from the Empire, even though he intended to leave, nevertheless enabled the Russians to maintain a degree of consistency in their belief that allegiance was perpetual.

The Department of State "was not at that time in a position to deny the right of Russia to take action which was taken in this case, and it does not now, in the absence of a treaty by which the Russian Government recognizes the right of expatriation, deem that it would be warranted in further intervening in

\textsuperscript{39} Lothrop to Giers, \textit{For. Rel.}, 1887, p. 961.

\textsuperscript{40} Lothrop to Bayard, January 18, 1887, \textit{For. Rel.}, 1887, p. 944.
Mr. Lipszyc's behalf.\textsuperscript{41}

The case of Lipszyc made it clear to the
United States Government that something must be done
to prevent abuse by foreigners of American Citizenship
too easily obtained. A few months after the close
of the Lipszyc affair, President Cleveland warned
Congress of the need to take some action\textsuperscript{42}

The easy and unguarded manner in which
Certificates of American citizenship
can now be obtained has induced a class,
unfortunately large, to avail themselves of the opportunity to become
absolved from allegiance to their native
land, and yet by a foreign residence
to escape any just duty and contribution
of service to the country of their
proposed adoption. Thus, while evading
the duties of citizenship to the
United States, they may make prompt
claim to its national protection and
demand its intervention in their behalf.

President Cleveland also suggested a complete revision
of the passport laws and that a "central bureau of
registration" be established at Washington. The bureau
should keep a complete file on each case of naturali-

\textsuperscript{41} Mr. Ader (Acting Secretary of State) to Mr. Widdi-
cimbe, October 13, 1893, 194 US. Dour. Let. 5.
Quoted in J. B. Moore, \textit{A Digest of International

\textsuperscript{42} Richardson, \textit{Messages and Papers of the Presidents},
Fourth Annual Message, December 3, 1888, XII, p. 5370.
zation on the supposition that "many cases of spurious citizenship would be detected and unjust responsibilities would be avoided.\textsuperscript{43}

These earlier cases resulted in no marked understanding on the problem of expatriation in American relations with Russia. However, they did help to call to the attention of the United States government the need for tightening up the process of acquiring citizenship. Russia, on the other hand, was becoming better acquainted with American precepts of government which had heretofore received but scant attention from the Foreign Office.

\textsuperscript{43} Ibid.
Chapter II
Expansion of the Problem to 1897

Not all the Russian government's acts against American citizens during this period may be laid wholly to narrow-minded autocracy. The evidence suggests that there may have been some justification.

As Langer has pointed out, the determination on the part of European powers to halt any extension of Russian dominance in the west eventually led the Tsar at this time to direct Russian interests toward the East, where the urge to expand would encounter fewer obstacles.\(^1\) Profit from internal developments, then, was to be reserved to Russians, and not to be shared with interlopers.\(^2\)

In a note of November 29, 1887, Lothrop commented at some length on the Russian policy of

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1 W. L. Langer, The Diplomacy of Imperialism, (New York, 1934), Chaptr. XII.

2 By 1887 the average yearly increase in the population of Siberia had jumped to 58,302 and a birth rate of 48.4 per thousand, the highest of any in Russia. (Statesman's Year Book, 1890).
driving out new-comers. In this note the admission is made that many Russian Jews obtained United States citizenship only to return to Russia and use the newly acquired status to protect themselves in Russian domestic enterprises. Protection of United States citizens who returned to Russia was covered in the treaty of 1832 only for short periods of stay connected with settling personal affairs.

In 1894, the following letter was received at the American Legation in St. Petersburg:

November 24, 1894

I let you know that I am arrested now by the Russians the Russian rulers are trying to put me back to the army which is called soldiers for the Russian King and I am not able to go out of their power please write to the Russian rulers and ask them to set me free. I was arrested on the Russian gate that is near Prostken and they carried me to the place I give you my adressa card. I pray you my honourable counsell to help me Quick as it is posible and give me assistance.

Your American truly Friend John Ginzberg my adressa Minsk Pinsk in the thown Loguiston I send you my adressa in the Russian language.

3 Lothrop to Bayard, For. Rel., 1887, p. 945.
4 Encl. No. 1 in 74, For. Rel., 1895, p. 1084.
Minister Breckinridge addressed a note to Foreign Minister Giers asking for the details. It developed that Ginsberg's real Christian name was "Schimon," and he had been charged with having escaped military service in 1886. Upon his return to Russia, he was arrested by the Pinsk police, recognized by his father, Jairekel Ginsberg, and turned over to the Ministry of Justice on the order of the governor of Minsk. Once again an American citizen was held for

5 Clifton R. Breckinridge was a veteran of the Confederate Army and an Arkansas cotton planter. Though not a career diplomat, he proved to be one of the outstanding ministers to Russia during this era. Previous to his appointment as minister his public career had been limited to two terms as Representative to Congress from the State of Arkansas. (Cf. Herringshaw's Encyclopedia of American Biography of the Nineteenth Century, (Chicago, 1893).)

6 December 2/14, 1894, For. Rel., 1895, p. 1085.

7 For Ginsberg's explanation in change of name, see: Appendix IV.

8 Ginsberg was led to believe by his parents that they had become the wealthy proprietors of a brickyard in Russia and he had received letters from them asking him to return to his home for a visit. (Robert M. Lewis to author, April 30, 1948.)

9 Chichkine to Breckinridge, December 24/January 5, 1895, For. Rel., 1895, p. 1085.
Violation of Article 325 of Russia's Penal Code. In lieu of any further information Breckinridge could only ask the Russians to give Ginzberg a "fair and speedy trial."

There followed brief exchanges between the United States minister and Giers, the former developing undertones of dissatisfaction while the latter maintained an air of disinterestedness, believing the matter to be an affair for the Ministry of Justice and not of diplomatic scope.

Meanwhile, the month of February passed with no word from the Ministry of Justice nor from Ginzberg, who, unknown to Breckinridge at this time, on the previous January 16, had been released under surety of a certain Leiser Tchetchik.10

Finally, on March 13, Breckinridge received a letter from Ginzberg addressed at Minsk Pinsk, Loguishin, with a salutation not easily ignored: "To the great educated Minister of the United States of America in St. Petersburg, Russia. Gentleman."

There followed a summary of his previous arrest and a further plea for assistance. Three weeks later,

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10 Russian Minister Chichkine to United States Minister Breckinridge, April 16/18, 1895, For. Rel., 1895, p. 1088.
Chichkine informed Breckinridge that Ginsberg’s case had been transferred to the judge of instruction of the district of Stchoutchin.11

By now Ginsberg had been under arrest for six months. During this time he had not relied entirely on "the great and educated Minister," for on April 23, Breckinridge received a letter from Robert M. Lewis, a banker and prominent citizen in Glasgow, Montana, an acquaintance of Ginsberg. The latter, it appears, had written to Lewis of his arrest, and his plight had even received publicity in the Montana press on April 25, when the Helena Independent ran the following report:12

Intense excitement prevails here today the result of a letter received by R. M. Lewis, from John Ginsberg, a citizen of the United States and a former resident of this town. Last October he left this place to visit his parents in Russia. Immediately after crossing the border from Germany into Russia he was seized by the authorities and thrown into prison. All outside communication was cut off from him and he has been lying in jail destitute of all clothing since that time. They have refused to give him any trial. His letter recites a tale of hardship and privation.... Ginsborg is now in Pinsck, Russia, in one of the subterranean jails....

11 Idem to idem, April 6/18, 1895, Encl. 9 in No. 74, For. Rel., 1895, p. 1088.

12 On April 27th the Valley County Gazette published a letter from Ginsberg to Lewis. This letter, which is included in the Appendix, fails to cast any light on the conclusion of the Helena and Valley County papers accounts that Ginsberg was confined in a "subterranean jail."
Lewis, evidently believing the American minister in St. Petersburg was not acquainted with the case, requested his assistance. Upon this indication of more than routine interest in Ginsberg, Breckinridge sent a note to Prince Lobanov-Rostovsky, Russian Foreign Minister, suggesting that Ginsberg's youth at the time of the alleged violation should justify some leniency in the case and that he should be permitted to return to the United States.

From the outset, Ginsberg's case was somewhat awkward. Chichkine in a note to Breckinridge on January 25/February 6, spoke of Ginsberg as being a "Russian subject" and as "guilty." The use of such terms by Chichkine left little room for Breckinridge to resort to diplomatic pressure. If Ginsberg were a Russian subject, it would seem that the American legation should have no interest in his case. And as a "guilty" Russian subject, his case seemed to be closed.

14 Breckinridge to Lobanov, April 28/May 10, 1895, For. Rel., 1895, p. 1088.
15 Chichkine to Breckinridge, For. Rel., 1895, p. 1086.
Up to this point Breckinridge had not been in correspondence with the Department of State. It remained for the Acting Secretary Uhl to mention the matter first to Breckinridge when, on May 3, he forwarded to the latter another letter from Robert M. Lewis, of Glasgow, Montana. The second Lewis letter was addressed to the Department of State in Washington, rather than to the minister in St. Petersburg. Accompanying the letter was Uhl's communication directing Breckinridge to intercede directly on Ginzberg's behalf because he had "left Russia at the age of 14, four years before any obligation to perform military service could have accrued."16

Six days after sending Breckinridge his instructions, Uhl received a letter from J. E. Richards, Governor of the State of Montana, enclosing an affidavit from Robert M. Lewis, testifying to the authenticity of Ginzberg's status as a qualified voter in the State of Montana and a citizen thereof. Richards requested action from the Department of State.

The personal interest in the case by Richards stepped up the speed of action by the Department of State. However, a new finding by the minister in St.

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16 Uhl to Breckinridge, May 3, 1895, For. Rel., 1895, p. 1081.
Petersburg, as a result of correspondence with the American consul in Hamburg during May, 1895, damaged Ginsberg's case considerably. From Hamburg it was learned that Ginsberg "entered Russia without having his passport vised as required by law; a law of which he ... (was) informed by our consul at Hamburg."17 Ginsberg, however, denied this allegation in a letter to Robert M. Lewis during the summer of 1895, saying that when he had been in Hamburg during the fall of 1894 he had been informed of nothing by the American consul.18

The minister ad interim, Herbert H. Pierce, was evidently well aware of the potentially untenable diplomatic nature of the case. Learning from Chichkine that Ginsberg's case was in the hands of Baron Osten-Sacken of the Ministry of Justice, Pierce called on the latter. Pierce spent two days in conference with Osten-Sacken, and finally elicited from him a promise to send a note to the Minister of Justice recommending Ginsberg's release, a promise apparently

17 Pierce to Gresham, May 27, 1895, For. Rel., 1895, p. 1090.

18 Schimon Ginzberg to Robert M. Lewis, Lewis Papers, 1895.
made on the basis of mutual desire between Pierce and Osten-Sacken to clear up the troublesome affair, rather than on a basis of the American minister's legal rights, of which he doubted he had any on this score.19

After Pierce's conferences with Osten-Sacken, and the latter's assurances, there was a lull for a fortnight, after which Pierce received new instructions from Washington. Since the case had dragged on for seven months and in addition interest had been aroused in the minds of certain citizens in the State of Montana, and more particularly the Governor of Montana, the Department of State moved towards a more expeditious prosecution of the case. Thus, on June 15, President Cleveland's new Secretary of State, Richard Olney, wrote to Pierce:20

19 Pierce to Whl, May 30, 1895, For. Rel., 1895, p. 1090.

20 Olney to Pierce, June 15, 1895, For. Rel., 1895, pp. 1091-92. A copy of Ginsberg's passport application was enclosed placing his birth in Minsk about September 4, 1865. At that rate, he was naturalized (August 10, 1886) only 25 days before legal age. Pierce was asked to try to obtain a copy of the birth certificate.
The governor of Minsk specifies as the date of the alleged desertion the year in which Ginsberg was duly made a citizen of the United States... (This) raises a presumption that the so-called act of 'desertion' for which Ginsberg is to be tried may in fact be his acquisition of American citizenship. If this be so, the Government of the United States can never acquiesce in any claim of any other government to penalize the act of naturalization when lawfully granted within our jurisdiction to one of its former subjects or citizens...

Should the action of the foreign office not bring about a favorable result, it may be necessary to press the case on the ground that the punishment of a naturalized person for the mere act of becoming a citizen of the United States by due operation of our laws is inadmissible and unfriendly.

Olney's note served to indicate the pattern of action to be taken some time later, but as late as August 22 Breckinridge was only able to report that there had been no change in Ginsberg's case, and calling on Osten-Sacken, was informed that the Minister of Interior was the only one who could dismiss the case. But tsarist bureaucratic red-tape was not so easy to cut, as Breckinridge pointed out. "After this the Minister of the Interior was seen. He spoke not unfavorably about the case; and, despite all that had been written through the regular channels, he requested that I submit in writing a further statement of the case to
him." Even though such a request was not apt to
calm the tempers of a diplomat, Breckinridge, never-
theless, made a final appeal to Dournovo, the
Minister of Interior, and Lobanov.

Breckinridge's calls on Osten-Sacken and
Dournovo were followed by a note to Ginsberg that
throws a great deal of light on both the technicali-
ties involved in the case and on the mental state of
the minister. He told Ginsberg that "the Imperial
Foreign Office informs me that steps have been taken
by the Ministry of Justice to hasten your trial."
He continued that it would be a good idea to send a
petition stating the case directly to the Tsar. The
note included specific directions as to the content
of the petition to be sent to the Tsar. One of the
directions suggested that Ginsberg ask the Tsar "to
consent to your having become a citizen of the United
States of America...." After having maintained an of-
official attitude based on the treaty rights of American
citizens visiting Russia, the American Minister now
privately advised one of his fellow citizens to rely
on the magnanimity of a foreign ruler rather than the

21 Breckinridge to Olney, August 22, 1895, For. Rel.,
1895, p. 1092.
constitutional guarantees of his own nation. Breckinridge then added a note of hope to his letter telling Ginzberg that "in view of the exceptional circumstances in your case His Majesty may graciously have you set free at once" but at the same time, "you cannot be at all certain about this." The minister then concluded: "This legation will continue to do all it can for you; but the laws of Russia and the laws of the United States are exactly opposite to each other upon the subject of your arrest; and we must depend upon the circumstances of the case...." 22

Late in August, 1895, Breckinridge became involved in an incident that promised to push Ginzberg's case into the background for several months and create further strain on Russo-American relations in connection with the problem of expatriation.

At this time a local Russian magistrate, of the seventh district of Warsaw, handed United States Passport No. 1814, made out to Anton Yablowski, to Joseph Rawits, American consul at Warsaw, and asked if native and naturalized Americans received the same

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22 Breckinridge to Ginzberg, August 31/September 12, Lewis Papers, 1895.
kind of passports. Rawlcs assured him that they did. Information on how the Russian government had come into possession of the passport was not given, nor did the Russian government proffer any other information.23

During the next two weeks there was considerable activity on the part of the American consul at Warsaw in an effort to gain more information, but without results.24 Finally, on September 28, Breckinridge wrote to Chichkine, of the Department of Internal Relations, Imperial Ministry of Foreign Affairs, and asked for details. In a short note of September 22/October 1, 1895, Breckinridge was informed that Yablkowski was to be prosecuted under Article 325 of the Penal Code.

In Ginsberg's case there was a possibility that Russian charges could be enforced, but this

23 Rawlcs to Breckinridge, September 11, 1895, For. Rel., 1895, p. 1098.

24 Breckinridge to Rawlcs, September 17, 1895, For. Rel., 1895, p. 1098; Rawlcs to Breckinridge, September 21, 1895, Ibid., p. 1098; Breckinridge to Rawlcs, September 28, 1895, Ibid., p. 1099.
time it appeared that an American might be held without any question as to his legal status. In reply to a note from Pierce, Consul Rawics telegraphed him: 25

YABLKOWSKI'S PASSPORT VISEED DANZIG JAN 7.

An officer of the Russian government had given his official approval, therefore, for Yablkowski's entrance into Russian territory. There was little doubt left as to the intent behind the Russian move when Breckinridge received a copy of a note from Rawics that had been sent to the latter by the Russian Examining Magistrate in charge of the case: 26

No. 1632) Examining Magistrate of the Warsaw Court of Justice, Ministry of Justice, Mieszawa District September 20, 1895.

To the Consul of the United States of America, N.D. 83-95:

In reply to your dispatch of September 2, No. 1530, I have the honor to inform you that Anton Yablkowski had to deliver to the police his passport given to him at Washington, December 7, 1894.

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25 October 10, 1895, For. Rel., 1895, p. 110.

26 September 20, 1895, For. Rel., 1895, p. 1100.
No. 16114, because Anton Yablkowski is a Russian subject, incorporated to the village Palacevo Strove, Rushkaw gmin (?), of the Nieszawa district; and, on the strength of his having passed over to a foreign subjection, the said Anton Yablkowski will be tried according to Art. 325 of the Code of Laws.

There could be but little doubt that the American minister had one course of action open. Accordingly, on September 26/October 10, 1895, minister ad interim Pierce put the case strongly to Chichkine in the following message:

My government cannot be expected to acquiesce in the proposition of treating as a crime the act of becoming, lawfully, and within its own jurisdiction, one of its citizens.... I should point out to your excellency that the passport issued to this man by the Department of State of the United States was duly viseed by the Russian Consul at Danzig, who by that act officially recognized its validity, and authorized the entry of the man, as a citizen of the United States, upon the Russian territory.

Five days later, Chichkine answered that Yablkowski was not in jail and was still free, but that in any event the consul's action at Danzig could mean nothing, since he had no way of knowing of Yablkowski's

27 For. Rel., 1895, p. 1102.
Accompanying Chichkine's note was the oft-mentioned Article 325:

Whoever absents himself from his fatherland and enters foreign service without the permission of the government, or becomes subject of a foreign power, is condemned for such violations of duty and oath of faithful subjection to the deprivation of all civil rights and perpetual banishment from the territory of the Empire, or, in case of voluntary return to Russia, to deportation to Siberia.

The following day Pierce reiterated his position in a curt statement to Chichkine, emphasizing the fact that when the Danzig consul gave a visa he gave permission to his American citizenship. Also, since Yablkowksi was originally from Inowradaw, Prussian Poland, Pierce asked the American consul at Warsaw to check the local records in the hope that this former Russian citizen might in reality have been

28 Chichkine to Pierce, October 3/15, 1895, For. Rel., 1895, p. 1105.
29 Ibid.
30 Ibid. Encl. 3.
a German by birth, but nothing came of his idea.31

By this time Ginzberg had been under arrest for over a year and Yablowski for three months. Neither case had been clarified, much less satisfactorily closed, so it was with an air of frustration that Minister Breckinridge wrote Secretary of State Olney on November 29th:32

Heretofoie it has been thought it was best to proceed quietly with cases of this kind in the interest of the unfortunate men.... That was the policy at the time I came to this legation.... We see, after long and varied tests, that the Russian government is resolute to punish our people.... and it no longer hesitates to state its law and avow its policy. There is no hope, then, for any man guilty as charged except to attack the principle upon which all such charges are founded.

A further cause for Breckinridge's words will also be found in the fact that Rawics informed Pierce on November 7th that Yablowski was indeed subject to service in the Russian army because of the fact that he had not left Russia until he had already

31 Pierce to Olney, October 28, 1895, For. Rel., 1895, p. 1106.
32 Breckinridge to Olney, For. Rel., 1895, p. 1108.
passed his twenty-first birthday, thus being legally obligated to the duties regularly incurred by citizens of Russia.33

Direct interest in Ginzberg and Yablkowski ended for some months. Both were involved in such a manner that diplomatic pressure could not be applied strongly enough to extricate them. Neither could serve as more than an example, along with Lipszyc, as the victim of the age-old doctrine of perpetual allegiance, a doctrine that was the perfect antithesis of one of the cornerstones of the American idea of freedom—the right of expatriation.

During the winter of 1895-96, several exchanges between Lobanov and Breckinridge were made toward a complete solution of the problem, but the shift of interest in both countries to more important issues in their respective spheres prevented arrival at a solution.

On November 30, 1896, Pierce reported to Secretary of State Olney that Yablkowski was at liberty.34

33 Rawics to Pierce, November 7, 1895, For. Rel., 1895, p. 1110.
34 Pierce to Olney, For. Rel., 1896, p. 507.
Ginzberg was finally set free September 16/28, 1896. He had been under arrest a total of seven hundred and thirty days and during that time had used up his funds, leaving him too poor to pay for his passage back to the United States.\(^35\) In an attempt to recoup his losses, he asked Breckinridge to claim compensation from the Russians at the rate of three dollars per diem for the period of his retention.

Breckinridge, evidently feeling Ginzberg was lucky enough as it was, never passed the desire on to the Russian authorities.\(^36\)

Significantly, Ginzberg was neither acquitted nor dismissed from the charges. Chichkine informed Pierce on November 20/December 2, 1896, that Ginzberg was "condemned to deprivation of all civil rights and to perpetual banishment."\(^37\) Though able to leave Russia, the fact still remained that tsarist Russia had not conceded the right of her subjects to change allegiance.

\(^35\) Cf. Appendix IX.

\(^36\) October 7, 1896, For. Rel., 1896, p. 510.

\(^37\) Chichkine to Pierce, For. Rel., 1896, p. 512.
Chapter III
Peripheral Cases Relative to the Problem

In the preceding pages I have dealt with the more obvious cases involving expatriation. It remains now to turn to the periphery of the problem and investigate some of those cases arising from Russia's attempt to impose its views relating to expatriates within the jurisdiction of the United States.

Beginning with the case of Mrs. Mannie Lerin in 1893, the Russian autocracy began a new phase in the problem of expatriation by refusing to grant a visa to any Russo-American expatriate who was believed to be Jewish. Until this time the Russian government could argue that it could not let the American principles of equality interfere with its domestic policy. But no such argument could be advanced, it was felt, when Russian discriminatory practices were carried out on American territory.

Mrs. Mannie Lerin, a naturalized citizen of the United States, applied early in 1893 to the Russian Consul General in New York City to visa her passport so that she might visit her parents in Russia. This the Russian Consul refused to do on the
ground that he had general instructions to decline to visa a passport of a former subject of Russia who had left that country without permission and with the intention of evading military service.

Advised of the facts, Secretary Foster addressed himself to Prince Cantacuzene, Russian minister at Washington, inquiring whether the general theory behind the consul's refusal to visa the passport of Mrs. Lerin was correct, and, further, why a visa was refused "in this particular instance", as Mrs. Lerin, being a woman, was not subject to military service. Cantacuzene's reply was blunt: 1

Legation of Russia
Washington, February 20, 1893

Dear Sir: In reply to your note of February 16, concerning the refusal of our consul-general in New York to visa the passport of Mrs. Mannie (not Miss) Lerin, a naturalized citizen of the United States, I beg to say that it appears from the information I just received from our consul-general that the said Mrs. Lerin declared herself to be a Jewess.

In the present circumstances Mr. Clarovsky acted according to the instructions of his Government, interdicting to visa passports of foreign Jews, with the exception of certain cases,

1 For. Rel., 1893, p. 547.
under which Mrs. Lerin cannot be placed.

Accept, etc.,

Cantacuzene

William F. Wharton, Acting Secretary of State, acknowledged the Russian minister's note "under the reserve necessarily imposed upon the Government by its Constitution and laws, and by its just expectation that its certification of the character of American citizenship will be respected."²

Wharton was much more outspoken in his dispatch dated February 28, 1893, to Andrew D. White, American Minister at St. Petersburg. Describing the whole question as embarrassing and painful, he continues:³

It is to be inferred from Prince Cantacuzene's note that the declaration of Mrs. Lerin's religious profession was elicited from her by some interrogative method on the part of the Imperial Consul-General.

It is not constitutionally within the power of this government, or of any of its authorities, to apply a religious test in qualification of the equal rights of all citizens of the United States.

² Wharton to Cantacuzene, February 21, 1893, For. Rel., 1893, p. 547.

³ For. Rel., 1893, p. 536.
States, and it is therefore impossible to acquiesce in the application of such a test, within the jurisdiction of the United States, by the agents of a foreign power, to the impairment of the rights of any American citizen or in derogation of the certificate of this government to the fact of such citizenship.

On several occasions in the past this government has made temperate but earnest remonstrances against the examination into the religious faith of American citizens by the Russian authorities in Russia. The asserted right of territorial sovereignty over all sojourners in the Empire has, to our deep regret, outweighed our friendly protests.

His Majesty's Government, however, surely cannot expect the United States to acquiesce in the assumption of a religious inquisitorial function within our own borders, by a foreign agency, in a manner so repugnant to our national sense.

I cannot but surmise that some strange misapprehension exists in this regard in the mind of His Majesty's Government, which your accustomed ability and tact may explain and perhaps remove.

There is no record that White ever discussed the subject during his stay in St. Petersburg, for Giers was later replaced by Prince Lobanov, and White was succeeded by Clifton R. Breckinridge.

For the next two years the question of Russian consular jurisdiction in the United States did not arise. Then, on April 15, 1895, Secretary of State
Gresham wrote to Breckinridge\(^4\) referring the latter to Wharton's note to White\(^5\) and directing him, "unless good reason to the contrary occurs to you, to present to the Russian Government the views of this Government as contained in the dispatch of February 28, 1893."

This time there started a long exchange of dispatches on the passport question, with the United States Government having the last word, which in this case meant failure to effect a change in the Russian policy. Breckinridge argued that, since it was constitutionally impossible for an American official to apply a religious test in qualification of equal rights of all citizens of the United States, the application of such a test could not be acquiesced in when practiced by foreign agents within its own jurisdiction. As Breckinridge pointed out to Secretary Gresham,\(^6\) the fact that this objectionable practice was now being resumed after it had been discontinued for some time,

\(^4\) For. Rel., 1895, p. 1056.

\(^5\) Supra. pp. 45-6.

\(^6\) May 17, 1895, For. Rel., 1895, p. 1056.
made it "impolitic and unjust to be silent, and useless to speak in any terms but the plainest."

Herbert A. D. Pierce, serving as Charge d'Affairs ad interim during an absence of Minister Breckinridge from St. Petersburg, had an interview with Prince Lobanov, on which he reported to Edward F. Uhl, Acting Secretary of State in Washington, in a dispatch of June 13, 1895. 7

At this time Pierce called the attention of Lobanov to the importance of the Jews as a class in the United States and to their "great and beneficial" influence on the country, stressing the fact that the United States is governed by the "will of the people." Pierce also visited Baron Osten-Sacken, Minister of the Interior, "to whom all questions in the foreign office relating to Israelites (has) been intrusted." 8 Osten-Sacken insisted that the treatment accorded to Jews, both in Russia and outside of it, was not a religious question, but a racial one, "in which the two

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7 For. Rel., 1895, p. 1058.

8 Ibid.
questions are inseparable." He expressed himself as hopeful that it would be possible to revise the Russian practice affecting admission of American Jews into the Empire, though "were an answer to Breckinridge's note demanded the reply could not be favorable."

Therefore, taking advantage of the discretionary clause in his instructions from Gresham, Pierce "requested Baron Osten-Sacken to hold the note in abeyance for the present," to which the latter "agreed to hold it as a memorandum of the case."

Despite Osten-Sacken's insistence there are several indications that discrimination was based on religion and not race. Several Christian clergymen of non-Greek Orthodox faith were known to have been denied entry into Russia or were expelled after entering. Bishop M. J. Hoban of Scranton, Pa., (a Roman Catholic) was refused admission to Russia for a two-day visit. Professor Hyvernat of the Catholic University at Washington, an authority on Persian inscriptions, was expelled from Russia when it was discovered that he was also a Catholic priest. Protestant missionaries were also excluded from Russia. Cf. "Hearing Before the Committee on Foreign Relations on Termination of the Treaty of 1832 between the United States and Russia," published by the Government Printing Office, 1911, by the authority of a Resolution by the House of Representatives, December 21, 1911.

10 Gresham to Breckinridge, April 15, 1895, For. Rel., p. 1056.

11 Pierce to Uhl, June 13, 1895, For. Rel., 1895, p. 1058.
Upon the basis of this last attempt by the Department of State to press for satisfaction in the Lerin case, another case of a similar nature occurred. On June 26, 1895, Major Waix sent his American passport to the Russian Consul-General in New York to have it visaed for a projected business trip to Russia. In reply to his request the consulate informed him by letter that before he could obtain a visa he would have to state where he was born and "what your religion is--if Christian or Jew." Replying that he was a Jew, A. E. Olarovsky, the Russian Consul-General in New York City on July 1, 1895, wrote Waix: "I cannot vise your passport. You must get permission from the ministry of the interior at St. Petersburg to visit Russia before I can vise your passport." 

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12 Supra. pp. 45-6.

13 C. G. Peterson (Russian Vice-Consul) to Waix, For. Rel., 1895, p. 1060.

14 Ibid., p. 1061.

15 Ibid., p. 1061.
There followed further conferences between Breckinridge, Lobanov and Osten-Sacken. Lobanov continued to claim that discrimination against the Jew was not because of his religious faith, but he failed to say on what other grounds it was based.

In a note of August 22, 1895, Alvey A. Adee, Acting Secretary of State, took a stronger position than the State Department up to that time had maintained. He stated: 16

But the Russian discrimination against American Jews is not confined simply to the matter of visaing passports. This department was informed a few years since by the Russian minister here that Russian consuls in this country would refuse authentication to legal documents for use in Russia when Jews were ascertained to be interested. This is not merely an unjust and invidious discrimination against Jews, but would seem to be plainly a violation of the spirit of Article X of the Treaty of 1832 between this country and Russia in respect of the property rights of American citizens in that country.

On August 24, Breckinridge received from Lobanov a copy of the Russian laws relating to the entry of foreign Jews. Accompanying the laws was a note amplifying the principle upon which the laws were based. 17

16 For. Rel., 1895, p. 1067.
17 For. Rel., 1895, p. 1068.
The Imperial Government maintained that since Russia already had several million Jews they would admit no additional ones unless they "present a guaranty that they will not be a charge and a parasitic element in the State." Lobanov granted, however, that if a Jew promised to be "useful to the internal development of the country," he might be admitted.

These explanations failed to settle the issue between the two nations. Another note of protest was sent to Lobanov, but the latter failed to answer, and the exchanges over principles at issue came to an end.
As early as 1867, Secretary of State Seward asked the Russian Government whether it would negotiate a treaty which would regulate the treatment of citizens of the United States of Russian birth who wished to visit their native country. Prince Gorcha-kov, then Russian Foreign Minister, declined to negotiate such a treaty, stating that Russia forbade the return of subjects who chose to abandon her protection and to escape her allegiance. Hamilton Fish, who followed Seward in office, gave out the following statement in 1869 in reply to an inquiry concerning the treaty relations between the United States and Russia and the treatment by Russia of American naturalized citizens of Russian birth:

"We have no special treaty with Russia on this subject, nor is this Department informed as to her laws or practice in such cases. The friendly disposition manifested by Russia towards this..."
Government would lead it to entertain the hope that its citizens, who conduct themselves properly in that country, would be allowed to travel therein without molestation.

Late in 1881, the United States tried a new move toward disposing of the problem of discrimination against American citizens in Russia. At that time Secretary of State Blaine attempted to win England over to taking joint steps against the Russian practice of discriminating against American and British citizens. The proposal was made in a lengthy dispatch of November 22, 1881, from Secretary Blaine to James Russell Lowell, then United States Minister at London.2

At the outset Blaine acknowledged that under ordinary circumstances it is not regarded as a fit matter for an independent power to interfere in domestic enactments of another state. But when another state promulgates laws directly affecting the "liberty and property of foreigners" who are in that state under the supposed guarantee of treaties "framed for the

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2 The full text of the dispatch is in Instructions, Russia, 16, No. 103, November 23, 1881, The National Archives, Washington, and is quoted from that source in Adler, and Margalith, American Intercession on Behalf of Jews, (New York, 1943), pp. 205-207.
most liberal ends," and are "brought under the harsh yoke of bigotry or prejudice which bows the necks of the natives," then it becomes "in a high sense a moral duty to our citizens and to the doctrines of religious freedom we so strongly uphold," to seek protection for those citizens in foreign lands. Blaine then went on to comment on the similarity between Russian laws and the dark ages; that only in Russia had there been failure to realize that the Jew had an equal part in "the social framework" and that his loyalty and patriotism were "unquestionable". Blaine then reached the central theme of his dispatch, saying that President Garfield thought the only way to help American Jews in Russia was for the Russian government to better the condition of the native Hebrews. Blaine further stated that such were the beliefs of Garfield's successor, Arthur. In fact, President Arthur had "charged" Blaine to bring "the subject to the formal attention of Her Britannic Majesty's Government, in the firm belief that the community of interests between the United States and England in this great question of civil rights and equal tolerance of creed for their respective citizens in foreign parts, will lead to the consideration of the matter with a view to common action thereon." The door was left open for an expansion
of the joint action to include other countries, should England react favorably to the proposal. Lowell was instructed to read the dispatch to Lord Granville and was told "the President will await with pleasure an opportunity for a free interchange of views upon the subject with the Government of Her Majesty." Although Lord Granville appeared to receive the proposal favorably, England failed to cooperate.

At the time of Blaine's dispatch, the British government had just accepted the Russian view that the phrase, "on condition of their submitting to the laws and ordinances there prevailing," was controlling and that British subjects of Jewish faith were, with the consent of their own government, put in an inferior class. The decision of the British government stemmed from a case involving a British subject, the details of which were similar to those of the Wilczynski case.

3 This phrase appears in Article I of the treaty of 1832 between the United States and Russia and was also contained in the treaties made by Russia with other nations. Cf. United States Statutes at Large, 8:144, and, Blaine to Foster, July 29, 1881, For. Rel., 1881, p. 1030.

4 Cf. Anglo-Russian treaty of January 12, 1859, Articles 11, 12, and 13, For. Rel., 1881, p. 1030.
Failure in attempts to negotiate a new treaty with Russia and failure to arrange for the freedom of American citizens while in Russia brought the Department of State to a halt on further activities in connection with expatriation.

United States insistence upon fair treatment of Americans visiting Russia was not lacking in historical precedent. An ukase of Empress Catherine, dated February 22, 1784 (old style), issued in connection with trading facilities in the newly acquired Black Sea possessions unequivocally acknowledged the right of foreigners to transact business within the Empire. Upon "our imperial word" it was promised that such foreigners as should visit the Black Sea area would receive the same favored treatment as those "already enjoyed" in St. Petersburg. 5 Again, on August 13, 1807 (old style), an imperial ordinance of Tsar Alexander I on the subject of a passport system for foreigners entering Russia fails to mention any restrictions that might be interpreted as being applicable to such foreigners on a basis of race or religion.

5 Marten's, Recueil des Traites, IV, 1st Ed., (Göttingen, 1795), pp. 455-457.
Finally, in a note from Secretary of State Blaine to minister Foster on July 29, 1881, Blaine significantly pointed out that from 1807 "down to 1860 I can find no trace of the enforcement, especially against American citizens, of the restrictions ... which are stated to have existed when our treaty with Russia was signed."6

6 *For. Rel.,* 1881, p. 1030.
Chapter V
Conclusion

In the preceding pages eight individual cases based on the problem of expatriation have been reviewed. Of these, six stemmed from the return of Russian expatriates to Russia, and, two out of attempts to have expatriates' passports visaed for return trips to Russia.

The fundamental issue in all of these cases appears to be the deviation from traditional stands on the legality of perpetual allegiance. Russia upheld the tradition while the United States denied it. In tracing the course of American action it is seen that a variety of situations helped to shape its policy. Suspicion by American diplomats that some Russian expatriates acquired citizenship for the sake of exemption from the duties of Russian citizenship, particularly military service, was made a matter of record in the official documents of the Department of State.¹ Russian officials as

¹ supra, pp. 26-7, 41.
individuals were disposed to alleviate the persecution of the American Jewish expatriate, but refused to act when it came to the point of legalizing alleviation by treaty negotiations and domestic reforms.

Though the official correspondence points to an apparent policy of claiming treaty rights for the persecuted American nationals in Russia, examination of unpublished sources proves otherwise. While openly avowing the justice of American claims, at least one minister to St. Petersburg was confidentially advising an American citizen to rely on the good grace of the tsar rather than to place confidence in the protection of his government.

Fumbling in their stand as they did in the passport question the Russian government indicated a lack of definite policy in regard to the over-all situation, as well as a lack of responsible organization within the various ministries in the determination of jurisdiction for the handling of the various cases.

2 Supra., p. 51.
3 Supra., pp. 35-6, and Appendix IV.
An aura of self-justification for its acts was maintained by the rendering of decisions in Russian Courts which enabled the defendant to return to the United States, but which at the same time upheld the Russian insistence on perpetual allegiance by making the court's sentence one of banishment from the Empire with full guilt for all charges of transferring allegiance without imperial permission.4

Such activity on the part of both nations served to prevent a definite understanding and ended with the ostrich-like action by which each nation buried its head in the sand; Russia, by permitting "guilty" victims to return to the United States, and America by warning its citizens to avoid trips to Russia whenever possible.5

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4 Supra., p. 444.

5 Because of the increased tempo of Jewish persecution in the 1890's, and the inability of the United States and Russia to agree on treaty revisions, the Department of State on August 1, 1901, published a notice warning all former Russian subjects to exercise care in planning a trip to Russia. (For. Rel., 1901, p. 453.)
As Alfred Dennis has pointed out: "The United States had shown its sympathy with the Jews, but she did not intend to go farther."  

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There is abundant source material at hand for this study. Such works as The Papers Relating to the Foreign Relations of the United States, John M. Wassett Moore's Digest of International Law, and numerous memoirs of the period supply many documents previously unused in connection with the discussion of expatriation. In addition, I have made use of unpublished documents that have heretofore been unused.

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APPENDICES
APPENDIX I

(John Ginsberg to Robert M. Lewis)

Minsk Pinsk Loheshin Russia March the 26th 1895

To my High educated Friend

Mr. R. M. Lewis Glasgow
Mont U. S. of America

Gentilman

Your good and Kind letter of March 18th have I recieved I thank you for your good minde that you bare on me let the Almighty remember you for ever and ever Amen.

Ofriend my beloved and my dear aquaintance I let you know all about now and I tell you that I am sorry that I left the U.S. of America the free country wher ther is liberty Weep and cry all ye inhabitants in Glasgow Montana for your friend John Ginsberg indeed Trouble trouble and gnashing of teeth took a hold upon me and my soul is full of weeping as it is writ ten in the (f) book of the Psalms I water my couch with my tears all the night make I my bed to sweem and I have no help in my side hear ye all that befall me and understand my case in the valey county for in deed I was true to you I always called myselfe your Friende and have tried to do good always for Glasgow you know yourselfe that I was very faithful to my master Mr. E. D. coulman I swam (for) in the milk River and I saved his horse Billee and more over you re member on 12 o'clock in the night sison when the un godly took a hold on your business to destry you and I was your friend I called you and thinck God you found yourselfe safe good morning to you all my Friends in Montana how are ye getting along I let you know thak God I am strong and helty Only I fall in the hands of the Russians Rulers from the fall time till till now

The following letters are reprinted in whole from the private papers of Robert M. Lewis, Esq., of Glasgow, Montana, who has kindly consented to their inclusion in this study.
and I am still arrested (still) over the rison Because I became a citizen of the U.S. of America I took a passport in the U.S. of America for 2 years time and I have paid them and I have tried to go to my old home land for a visit to see my Parents and all my friends so I past through Spain Peasably but on the Russian gate that is near Plocken the Rullers arrested me unlawfully and they took away from me my garment even till my shirt and they sold it once for all they Rubbed me and they carried me to the places when they wanted a good many jails have they carried me and in the city of Pinsk Russia the Rullers in ther took away from me my American papers and I do not know what are they going to do with me I heard to say that my case lies straight in the city of St Petersburg Russia but the answer is not come yet I let you know that I can not go no wer for employment because I have no pas port with me now and I suffer for dress a garment and I am in a great need Please let know all my friends in your little bright City Glasgow Montana all about me tell to your brother Mr John M. Lewis and to Mr E. D. Coleman and Missess Coleman and A. J. McMillens also to Mr Mabe and charless hall and Sid Villace and to Mary Fitapotrick I am sorry to say if they are able to assist me for I am in a great distress When the Lord will lift me up sometimes I will remember you also when I come to my hom I was glad to see my parents but they fooled me I don't blame them Because they have not seen me for 15 years home I have found them thank God Welty but very poor they sent for me Because they thought me reach but now over their thought I fall in in truble let me know please if the U.S. is able to do anything for me forget not on me Pardon me Because I did not let you hear about me for I was not in power to do it but now I hope that I will always write you news in the next letter I will write you a great dill more I am your Best Friend and aquali-ance

John Ginsberg

Please send me aswer quick as it is posible so will I to you also
APPENDIX II

(John Ginzberg to Robert M. Lewis)

John Ginzberg
Minsk Pinsk Loheshin Russia

June the 9th 1895.

To my dear and well Beloved friend
Mr. Robert M. Lewis Glasgow Montana
High educated Jantilman

Your letter from April the 22nd have I received
I pray you very much pardon me because I did not answer you so long belive my word sir that I could not write to you over my troubles I can tell you that my heart melted like wax before the fire evry day evry hour and evry moment because over my distress and I look for help and there is nobody on my sight but one God one thing is that I belive if you will ask at St Petersburg Russia again with another letter to the same place where you wrote before so they might be able to send me back to the U. S. of America Please sir do this one time a favour for me and write to the Legation of St Petersburg quick as it is posible and I hope that they will hear your Petition tell them please that I have written to you the 2nd time that my wish is to go back to the U. S. of America my only and lovly home ask Please in the curt house in Glasgow Montana the valley County Rullers and I hope that they also will help you to write to St. Petersburg Russia and when the Lord God Almighty will bring me back to America than I will be happy and I will ever thank you and and Always I will be a friend to the valley County I let you know that I hear and I fill that you are my best friend I will never forget you I bare you in my mind evry hour and evry moment. I belive that you fill my pain and distress I was very sorry to hear your letter that the fire distroyed your little City Glasgow Montana but I was glad to hear that the Lord God saved you and I hope that he will Keep you for ever and he will take care on you now I see the 2nd time that the Lord God loves you from Tives and from fire he saved you
and he will give happiness and joy always to you
and he will protect you tell all my friends in Glasgow Montana about me and tell them that I wish them
a blessing and I always bare them in my mind in-
deed I would like to write to them letters but I am
not able to do it because I am in a great distress
I have no money to buy the stamps tell please your
brother Mr John M. Lewis and the boys in your store
everything about me I am very sorry that I can not
see any more my friends in Glasgow Montana I am
your best and good friend that wish you to have much
happiness John Ginsberg
APPENDIX III

(John Ginsberg to Robert M. Lewis)

John Ginsberg

Minsk Pinsk Loheshin Russia 1895

To my dear and well beloved friend
Mr Robert M. Lewis Glasgow Montana
United States of America

Good and lovelv Gantilman

Your letter from June the 8 1895 have I received
I thank you very much for your goodness and your kindness that you bare for me indeed I can tell you the truth that I have not another friend in the whole world like you 0 my friend I beg you pardon me for not answering so quick your letter from April the 22 '95 My afflicions and troubles was very great so that I could not answer you and mine eye was ful of wiping and gnashing of teeth I was forgetfull as a deaf man so that I hated my life and over my distros also the same but now I hope that I will always answer your letters till the Lord God Almighty will shew Kindness to me and he will bring me back to the U. S. of America and than God will remember you and me also and he will keep us for ever and ever Amen

I am very glad that you has written me all about the statement from Washington State I let you Know that last fall 1894 when I was in Hamburg Jarmathy it was impossible for me to hear the Advis of the American Consul over my distros that I hold

I belive that you know that yourselfe. My borne name was Schimon but I did not like that name when I came to America so evry boy in New Castle Del. called me John instead of my one name that is the rison that I changed my name and second I was than very young so I sofferd my heart to do so I like now the name John better than the name Schimon. Sir Lewis I belive that you know rules and you understand what is going the rullers in Washington to do for me if it is posible for them to deliver me quick from the Russian hands the Rullers in Russia know very well that I belong now to the U. S. of America but they are
still humbling me last fall in the Russian gate
that is near Frostken the Rullers rubbed all my pro-
erty from me I can not see what business have they
got to do so I still believe that the U. S. of
America is able to sew them for that and I believe
that America will make them to pay for evry day
that they are keeping me in Russia great wonders
will be when I will see you again some times

O my friends, o my friends in Glasgow Montana how
sorry I am to tell you my bitter life that I have now
in Russia I am fikt like a bird in a cage pity ye
me all my friends tell all the inhabitants in Montana
that a true and a good politic man John Ginsberg is
soffering let Glasgow County publish all this
matter in the paper and let this dealings know in all
the land of America perhaps they will be able to
get me out quick from the Russian power

I come to the U. S. of America under my age a little
bit before 15 years but I call that I was 15 years
old and I lived in America from 15 years of age till
29 years of age and always I behaved my selfe very
nicely and kanst I have done done for America good
and I will do again for I like the free and good con-
try If not my parents I would never go back to Rus-
sia Once I have written a petition (such) with my
one hand to the president of the U. S. in Washington
but I do not know whether he received it. I am
your true and best friend John Ginsberg

Please let know My Kind Memory to your
brother Mr John M lewis
to Mr E. D. Coleman
to Mr A. J. McMillens
to Mr " " " Nabe
to Mr J. S. Truscutt
to Mr Charles halls
to Mr Enright and to his Wife
to Mises E. D. colman
once for all to evry body in your little city Glasgow
Montana

The same friend John Ginsberg
APPENDIX IV

(American minister to St. Petersburg, Clifton R. Breckinridge to John Ginsberg.)

Legation of the United States
St. Petersburg

John Ginsberg Esq.

Sir:

I have your letter of August 25. His Excellency the Minister of the Interior has decided that your case must rest at present with the Minister of Justice. This, for the present, ends my efforts to get your case dismissed.

The Imperial Foreign Office informs me that steps have been taken by the Minister of Justice to hasten your trial.

In talking over your case with Baron Osten-Sacken, of the Foreign Office, His Excellency informs me that it is entirely proper for you to make your own appeal to His Majesty the Emperor; and that His Majesty will certainly take into consideration all that you may say in your behalf. Such letters, I am informed, should be addressed directly to His Imperial Majesty, and sent through the regular post office channel.

In view of this conversation, and in accordance with it, I advise you to write to His Imperial Majesty and state your case. Ask him to consent to your having become a citizen of the United States of America; and also ask him to order that all proceedings against you for having left the Empire without Imperial consent be discontinued.

Tell His Majesty plainly in your own way just how you happened to leave the Empire, and of your youthful age at that time. Also tell him plainly that you knew of the Laws of the Empire upon the subject of leaving it, both at the time you left and at the time you returned; and also tell why you returned.
You can say to His Majesty that papers in your case are in the Imperial Foreign Office.

In view of the exceptional circumstances in your case His Majesty may graciously have you set free at once; but of course you cannot be at all certain about this.

This Legation will continue to do all it can for you; but the Laws of Russia and the Laws of the United States are exactly opposite to each other upon the subject of your arrest; and we must depend upon the circumstances of the case to secure that kind and humane spirit of administration which the Imperial Government seems well disposed to show, and which seems to be provided for cases of persons who have not maliciously violated the regulations and laws.

Very truly yours

Clifton R. Breckinridge.
APPENDIX V

(American minister to St. Petersburg,
Clifton R. Breckinridge to Robert M.
Lewis, Glasgow, Montana.)

Personal

Legation of the United States

St. Petersburg

February 27, 1896

Mr. Robert M. Lewis,

Glasgow, Mont.

United States America

Dear Sir:

I am in receipt of your letter of the 8th inst, in regard to Mr. John Ginsberg. It is now something like a year since the Russian Government promised to "expedite" his case, and said steps had been taken to do so. My belief has long been that trial meant conviction under existing laws, with exportation to Siberia for life. There is a disposition, I cannot say how strong, to change the law in regard to such cases; viz. of acquiring citizenship in a foreign country without consent and subsequently returning to Russia. Our Government is doing all it can to procure a more liberal policy in this particular. Ginsberg has never been confined. My hope is that they will only detain him until they agree upon a general change, and then let him return to our country. He writes to me occasionally and wants money. I have sent him a little from time to time to help him through the winter. If his friends could supplement this in a limited way it would doubtless be well bestowed. In the meantime, for reasons stated, I think that to stir his case could only do him harm. This is my conclusion after making earnest and repeated efforts in his behalf.

Yours truly,

Clifton R. Breckinridge.
APPENDIX VI

(John Ginsberg to Robert M. Lewis)

John Ginsberg
Misk Pinsk Loheshin Russia March the 10, 1896
To Mr Robert M. Lewis Glasgow Mont. America

Beloved and dear friend

Your letter from February the 8th 1896 came to me in due season. I was very glad to hear from you also, Now I let you know that I am not able to live Russia because my case is not finished yet and more over I can tell you that a few days ago the King of Russia sent back my petition to the Ruller of my native town to see and to inquire my case and so the Ruller called for me and I myself gave account on evry thing that belongeth to my case and I hop when the King will see the account again then will he pity me and he might shew kindness to such a poor man as I am.

O my darling friend I am sorry to tell you how I now spend my days in v&inity and so I have spended near tow years in nothing and still God knowes what will be the end there of I confess that I fill in my mind and in my body somthing like a death man but still we must hope for the best

I tell you that I live with my parents the whole time along and I will live with them till the end of my case they are not able to Keep me but they have to keep because over them I fall in into trouble and my daly life is dark as the night bitter is my life I am only wating from day to night somthing like Jay Bush in Glasgow Montana My friend o my loving friend you Remember that I was an example in your little town Glasgow and so I have tried to shew myselfe evry time higher and higher but now the Lord God punished me that I can not do the same game again And the life of the people in thown that is around me is also very poor and misrable because they are to many and they have not enough ground for themselfes they are the most of them farmers they Keep little farms but they have not bread for them selves out of their ground they always byue their bread, on the somer they have a little work in their farms
But soon as the fall and winter comes so they have nothing to do they have no work shops and there is nothing getting on around them
And also in this town lives 200 families very poor Jews people some of them shoe makers some tailors some heavy drivers something like bid your labour in Glasgow Montana the weavers in this town is 15 cent a day and 10 cent a day Man and horse 30 cent a day now can you understand how poor the people are I am your friend that hope soon to hear from you
John Ginzberg
APPENDIX VII

(Secretary of State Olney to Robert H. Lewis)

Department of State
Washington.

K/T December 21, 1896

Robert M. Lewis, Esquire,
Glasgow, Montana.

Sir:—

Referring to your letter of April 23, 1895, in regard to John Ginsberg, I enclose copy of a dispatch from our Charge d'Affaires at St. Petersburg, reporting that he has been convicted of the crime of changing his nationality without the consent of the Imperial Government and sentenced to deprivation of civil rights and banishment from the Empire. It is stated that funds must be furnished by his friends to pay for his passage through the Empire and through Germany, otherwise he will be sent to Siberia,

I am, Sir,
Your obedient servant,

(Richard Olney)

Enclosure:

From Mr. Pierce, No. 451, December 5, 1896.

(Inclosure 1)

(This dispatch is printed in full in Foreign Relations.)
(List of donors to a fund to pay the costs of John Ginsberg's return voyage to the United States):

We the undersigned hereby subscribe the amount set opposite our names to defray the expenses of transportation for John Ginsberg from Russia to New York in order to save him from being deported to Siberia.

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$49.00
APPENDIX IX

(Receipts for funds sent to John Ginzberg.)

(No. 1)

Receipt

No. 511004 Dec. 28, 1896

Received from Messrs. Lewis Bros.,

Glasgow

the sum of $50.

for a draft of this date and number in favor of C. R. Breckinridge

U S M.

amounting to $95

Drawn on St. Petersburg

Nico Draz AP
Received from Lewis Bros. Glasgow Mont.

the sum of $10.

for a draft of this date and number in favor of John Ginzberg

amounting to R.19 -

drawn on St Petersburg

Nico Draz AP
APPENDIX X

(Secretary of State Olney to Robert M. Lewis)

DEPARTMENT OF STATE,
WASHINGTON,

February 13, 1897

Robert M. Lewis, Esquire,
Glasgow, Montana,

Sir:-

Referring to your letter of December 26th last, I have to say that the Department is advised by our Charge d'Affaires at St. Petersburg that John Ginzberg has been sent to Libau and that our Consul at Riga will arrange for his passage to Antwerp, advancing him ninety-five roubles, the amount of the draft forwarded by you.

I am, Sir,

Your obedient servant,

(Richard Olney)
APPENDIX XI

(American minister at St. Petersburg, Clifton R. Breckinridge to Robert M. Lewis.)

LEGATION OF THE UNITED STATES

ST. PETERSBURG.

March 9, 1897.

Messrs. Lewis Brothers,
Glasgow, Mont.

Dear Sirs:

Referring to your letter of December 26th, I have the pleasure to say that John Ginzberg sailed from Libau for London several days ago. He was supplied, through our Consul at Riga, with the R95 you sent for him.

Yours truly,

(Clifton R. Breckinridge)
APPENDIX XII

(Assistant Secretary of State Rockhill to Robert M. Lewis.)

DEPARTMENT OF STATE,
WASHINGTON.

March 25, 1897.

Robert M. Lewis, Esquire,
Glasgow, Montana.

Sir:—

The Department is in receipt of a dispatch from our Minister to Russia reporting that he had been advised by our Consul at Riga that John Ginzberg had left Libau for London by the steamer "Kiew". Ninety-five roubles, the proceeds of your draft, were advanced by the Consul to Mr. Ginzberg.

Respectfully yours,

(W. W. Rockhill)

Assistant Secretary.